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Toru Kuchimaru

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EXAMINER

DANIELS, ANTHONY J

ART UNIT

PAPER NUMBER

2622

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/738,450	<b>Applicant(s)</b> KUCHIMARU, TORU	
	<b>Examiner</b> ANTHONY J. DANIELS	<b>Art Unit</b> 2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 September 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/15/2008 has been entered.

### ***Response to Arguments***

1. Applicant's arguments regarding the Suh reference and the amendments to the claims have been fully considered but they are not persuasive.

Applicant argues, "...the cited reference structure [of Suh] is very different than applicant's hanger shaft 12 because as claimed, the hanger shaft 12 "moves guideingly within the hanger shaft hole."

The examiner respectfully disagrees with this statement and submits that cited reference structure would move guideingly within the fixed rectangular slot. Applicant's claim simply states "...when the lens frame moves relative to the chassis..." When the claim is given its broadest reasonable interpretation, the initial assembly, which applicant cites on p. 10 of the Remarks, would be a situation when the lens frame moves relative to the chassis. In this situation, the cited reference structure would move within the fixed rectangular slot. The examiner also submits that the cited reference structure does have multiple diameters. Simply because there is no explicit recitation of multiple diameters does not preclude Suh from

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disclosing this feature. The drawings clearly show two diameters. Even if we were to assume that this second smaller diameter denoted by the inner circle on the cited reference structure does not protrude from the larger diameter denoted by the shaft, the examiner argues that this could still be interpreted as a smaller diameter than the larger diameter at a side away from the chassis.

However, the examiner sees how Applicant wishes to distinguish the claim from the Suh reference. The examiner believes that the focusing of the lens is when the hanger shaft moves relative to the hanger shaft hole in the present application. If the claim were to recite a limitation of this sort, it would overcome the Suh reference as Suh's cited reference structure does not move during focusing. Applicant arguments are based on the notion that once the lens frame of Suh is secured to the chassis (i.e. during assembly), there is no movement of the cited reference structure within in the fixed rectangular slot. The examiner agrees with this point. However, initial assembly is an instance when the cited reference structure moves guidingly within the rectangular slot.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1, 2, 7-9, 13, 14 and 19-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Suh (US 2003/0219244).

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As to claim 1, Suh teaches an imaging device (Figure 2) comprising: an imaging unit having a photoelectric converter for converting an optical image into electric signal (Figure 2, CMOS module assembly “7”); an optical unit for forming an optical image of a subject on the photoelectric converter, the optical unit comprising a lens and a lens frame which supports the lens (Figure 2, lens assemblies “13” and “15”) and has a hanger shaft hole (Figure 2, hole surrounding unnumbered shaft); a chassis on which the imaging unit is mounted (Figure 2, zoom base “5” and cover “31”) and a hanger shaft is integrally formed (Figure 5), the hanger shaft being fit into the hanger shaft hole to support the lens frame so that the lens frame is capable of moving in an optical axis direction (Figure 2); and a drive unit for actuating the lens frame of the optical unit in the optical axis direction (Figure 5, power gear assembly “11”, step motor gear “21” and step motor “9”), and wherein the hanger shaft has a plurality of diameters so that the chassis side of the hanger shaft is largest and has a reduced diameter away from the chassis side (Figure 5; unnumbered shaft having large diameter and small diameter), and wherein the hanger shaft hole has a plurality of diameters which correspond to the diameters of the hanger shaft (Figure 2, hanger shaft hole has an infinite number of diameters), so that when the lens frame moves relative to the chassis, the hanger shaft moves guidelingly within the hanger shaft hole (Figures 2 and 3).

As to claim 2, Suh teaches an imaging device as claimed in claim 1, wherein the hanger shaft has a first diameter and a second diameter smaller than the first diameter, and wherein the hanger shaft hole has a third diameter that fits to the first diameter of the hanger shaft and a fourth diameter that is smaller than the third diameter and fits to the second diameter of the hanger shaft (Figure 5; *{Hanger shaft has an infinite number of diameters.}*).

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As to claim 7, Suh teaches an imaging device as claimed in claim 2, wherein the hanger shaft has a fifth diameter between portions having the first diameter and the second diameter, and wherein the fifth diameter is smaller than the first diameter and larger than the second diameter (Figure 5; *{Hanger shaft has an infinite number of diameters.}*).

As to claim 8, Suh teaches an imaging device as claimed in claim 7, wherein the hanger shaft hole has a sixth diameter between portions having the third diameter and the fourth diameter, and wherein the sixth diameter is smaller than the third diameter and larger than the fourth diameter (Figure 5; *{Hanger shaft has an infinite number of diameters.}*).

As to claim 9, Suh teaches an imaging device as claimed in claim 1, wherein the hanger shaft is provided in a projected area of the imaging unit in the optical axis direction (Figure 5).

As to claims 13, 14 and 19-21, the limitations of claims 13,14 and 19-21 can be found in claims 1,2 and 7-9, respectively. Therefore, claims 13,14 and 19-21 are rejected as previously discussed with respect to claims 1,2 and 7-9, respectively.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 3 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suh (US 2003/0219244) in view of Terada et al. (US 2005/0185951).

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As to claim **3**, Suh teaches an imaging device as claimed in claim 1. The claim differs from Suh in that it further requires that the hanger shaft have a taper between portions having different diameters.

In the same field of endeavor, Terada et al. teaches a lens barrel having two cam followers for engaging a cam. The followers having two diameters, one larger than the other, with a taper between the diameters (Figure 5, cam followers “46” and “47”). In light of the teaching of Terada et al., it would have been obvious to one of ordinary skill in the art to include the taper between the diameters in the hanger shaft hole of Suh, because an artisan of ordinary skill in the art would recognize that this would allow for a smoother and more secure fit.

As to claim **15**, the limitations of claim 15 can be found in claim 3. Therefore, claim 15 is analyzed and rejected as previously discussed with respect to claim 3.

2. Claims 4 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suh (US 2003/0219244) in view of Terada et al. (US 2005/018951) and further in view of Hayakawa et al. (US # 7,206,109).

As to claim **4**, Suh, as modified by Terada et al., teaches an imaging device as claimed in claim 3. The claim differs from Suh, as modified by Terada et al., in that it further requires that the hanger shaft hole has a taper between portions having different diameters.

In the same field of endeavor, Hayakawa et al. teaches a hole for placing an object having multiple diameters. The hole has a taper between sections having different diameters and a step between other sections having different diameters (Figure 6; Col. 9, Lines 33-38). In light of the teaching of Hayakawa et al., it would have been obvious to one of ordinary skill in the art to

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include this connection between the hanger shaft and the hanger shaft hole of Suh, because an artisan of ordinary skill in the art would recognize that this would allow for a secure pressed-fit between the hanger shaft and its hole (see Hayakawa et al., Col. 9, Lines 33-38).

As to claim **16**, the limitations of claim 16 can be found in claim 4. Therefore, claim 16 is analyzed and rejected as previously discussed with respect to claim 4.

3. Claims 5 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suh (US 2003/0219244) in view of Johnson (US # 5,5,861,654).

As to claim **5**, Suh teaches an imaging device as claimed in claim 1. The claim differs from Suh in that it further requires that the hanger shaft have a step between portions having different diameters.

In the same field of endeavor, Johnson teaches an imaging device having a locator pin with different diameters for assembling the device. The locator pins have step portions between different diameters (Figures 4-6; Col. 4, Lines 30-55). In light of the teaching of Johnson, it would have been obvious to one of ordinary skill in the art to include the step between the different diameters for the hanger shaft of Suh, because an artisan of ordinary skill in the art would recognize that this would allow for proper and secure fastening of the imaging device (see Johnson, Col. 4, Lines 50-55)

As to claim **17**, the limitations of claim 17 can be found in claim 5. Therefore, claim 17 is analyzed and rejected as previously discussed with respect to claim 5.



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4. Claims 6 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suh (US 2003/0219244) in view of Johnson (US # 5,586,654) and further in view of Hayakawa.

As to claim **6**, Suh, as modified by Johnson, teaches an imaging device as claimed in claim 5. The claim differs from Suh, as modified by Johnson, in that it further requires that the hanger shaft hole has a step between portions having different diameters.

In the same field of endeavor, Hayakawa et al. teaches a hole for placing an object having multiple diameters. The hole has a taper between sections having different diameters and a step between other sections having different diameters (Figure 6; Col. 9, Lines 33-38). In light of the teaching of Hayakawa et al., it would have been obvious to one of ordinary skill in the art to include this connection between the hanger shaft and the hanger shaft hole of Suh, because an artisan of ordinary skill in the art would recognize that this would allow for a secure pressed-fit between the hanger shaft and its hole (see Hayakawa et al., Col. 9, Lines 33-38).

As to claim **18**, the limitations of claim 18 can be found in claim 6. Therefore, claim 18 is analyzed and rejected as previously discussed with respect to claim 6.

5. Claims 10-12 and 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suh (US 2003/0219244) in view of Kanno (US # 5,712,734).

As to claim **10**, Suh teaches an imaging device as claimed in claim 1, wherein at least the drive unit is provided in a projected area of the imaging unit in the optical axis direction (see Suh, Figure 5). The claim differs from Suh in that it further requires a detector for detecting a position of at least part of the optical unit with respect to the optical axis direction.

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In the same field of endeavor, Kanno teaches a **zoom lens barrel comprising**: a zoom lens position detector for detecting a position of a zoom lens in an optical axis direction (Col. 10, Lines 36-58; Claim 10, Lines 1 and 2). In light of the teaching, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include **the position detector in the lens barrel of Suh**, because an artisan of ordinary skill in the art would recognize that this would the camera to effectively know when the lens is at a desired position (telephoto or wide-angle).

As to claim **11**, Suh, as modified by Kanno, teaches an imaging device as claimed in claim 10, wherein the drive unit comprises: a motor having a drive shaft parallel to the optical axis of the optical unit (see Suh, Figure 2, rotational shaft “17”); and a conversion mechanism (see Suh, Figure 2, power gear assembly “11”) for converting a rotational motion of the drive shaft into a linear motion in the optical axis direction (see Suh, [0062]). Although it is not stated explicitly, **Official Notice** is taken that the concept of providing a motor drive shaft for a focal or zoom lens that is perpendicular to the optical axis of an imaging device is well known and expected in the art. One of ordinary skill in the art would have been motivated to do this, because this can provide compact space by implementation above or below the lens barrel.

As to claim **12**, Suh, as modified by Kanno, teaches an imaging device as claimed in claim 11, wherein the conversion mechanism comprises: a driving gear provided on the drive shaft of the motor (see Suh, Figure 5, step motor gear “21”); and a cam gear meshing with the driving gear (see Suh, Figure 5, fifth gear “41”; [0047]), having a cam surface with which a cam follower formed on an extension of the optical unit is in pressure contact (see Suh, Figure 5, gear spikes in contact with fifth gear extending from lens cam “43”), and having a shaft parallel to the

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optical axis of the optical unit (see Suh, Figure 2; Figure 5), and wherein at least part of the cam gear is provided in the projected area of the imaging unit in the optical axis direction (see Suh, Figure 5).

As to claims **22-24**, the limitations of claims 22-24 can be found in claims 10-12, respectively. Therefore, claims 22-24 are rejected as previously discussed with respect to claims 10-12, respectively.

6. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Suh (US 20030219244) in view of Hayakawa et al. (US # 7,206,109)

As to claim **25**, Suh teaches an imaging device (Figure 1) comprising: a chassis (Figure 2, zoom base “5” and cover “31”) on which a hanger shaft is integrally formed (Figure 2, unnumbered shaft); an imaging unit mounted on the chassis (Figure 2, CMOS module assembly “7”); an optical unit comprising a lens and a lens frame which supports the lens (Figure 2, lens assemblies “13” and “15”) and has a hanger shaft hole (Figure 2, hole surrounding unnumbered shaft), the hanger shaft being fit into the hanger shaft hole to support the lens frame (Figure 2) so that the lens frame is capable of moving in an optical axis direction ([0065], Lines 1-8); and a drive unit for actuating the lens frame of the optical unit in the optical axis direction (Figure 5, power gear assembly “11”, step motor gear “21” and step motor “9”). The claim differs from Suh in that it further requires that the hanger shaft has a first diameter and a second diameter smaller than the first diameter, and the hanger shaft hole has a third diameter which fits to the first diameter of the hanger shaft, and a fourth diameter which is smaller than the third diameter and fits to the second diameter of the hanger shaft, and wherein the lens frame is adapted to move in

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the optical axis direction in a state such that the first diameter of the hanger shaft guidingly slides relative to the third diameter of the hanger shaft hole, and the second diameter of the hanger shaft guideingly slides relative to the fourth diameter of the hanger shaft hole.

In the same field of endeavor, Hayakawa et al. teaches a hole for placing an object having multiple diameters. The hole has a taper between sections having different diameters and a step between other sections having different diameters (Figure 6; Col. 9, Lines 33-38). The object has a first diameter (Figure 6, diameter of object whose outer edge is denoted "13c") and a second diameter smaller than the first diameter (Figure 6, diameter of object denoted by "13b") and is placed in a hole, wherein third and fourth diameters fit the first and second diameters (Figure 6), respectively. In light of the teaching of Hayakawa et al., it would have been obvious to one of ordinary skill in the art to include this connection between the hanger shaft and the hanger shaft hole of Suh, because an artisan of ordinary skill in the art would recognize that this would allow for a secure pressed-fit between the hanger shaft and its hole (see Hayakawa et al., Col. 9, Lines 33-38).

### ***Conclusion***

1. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANTHONY J. DANIELS whose telephone number is (571)272-7362. The examiner can normally be reached on 8:00 A.M. - 5:30 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lin Ye can be reached on (571) 272-7372. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AD

11/11/2008

/Sinh Tran/

Supervisory Patent Examiner, Art Unit 2622